

COUNSEL LISTED ON SIGNATURE PAGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DR. DAVID KANNAR,

Plaintiff,

vs.

ALTICOR, INC., AMWAY CORP., QUIXTAR,
ACCESS BUSINESS GROUP LLC,
NUTRILITE,

Defendant.

) Case No. 08-cv-05505 MMC

)

) **STIPULATION AND ~~[PROPOSED]~~ ORDER**

) **REQUESTING CONTINUANCE OF**

) **HEARING DATE AND CONTINUANCE OF**

) **DATE FOR INITIAL CASE**

) **MANAGEMENT CONFERENCE**

)

) Motion Hearing Date: March 6, 2009

) Time: 9:00 a.m.

)

) CMC Date: March 27, 2009

) Time: 10:30 a.m.

)

) Courtroom: 7, 19th Floor

) Judge: Honorable Maxine M. Chesney

)

)

)

1 WHEREAS, Defendants Alticor, Inc., Amway Corp., Quixtar and Access Business Group LLC
2 (the "Defendants") filed with this Court a Motion to Transfer Venue to the Western District of
3 Michigan on January 30, 2009, with a noticed hearing date of March 6, 2009 (Doc. No. 11);

4 WHEREAS, Plaintiff, Dr. David Kannar, is today filing an Opposition to the Defendants'
5 Motion and in the alternative, his own Cross-Motion to Transfer Venue to the Central District of
6 California on February 13, 2009, with a noticed hearing date of March 20, 2009;

7 WHEREAS, the two motions relate to the same issue and therefore should be heard by this
8 Court at the same time;

9 WHEREAS, Civil Local Rule 7-7(b)(1) of this Court provides that the parties may continue a
10 hearing date upon stipulation of the parties;

11 WHEREAS, this Court has scheduled the Initial Case Management Conference in this matter
12 for March 27, 2009;

13 WHEREAS, good cause exists for rescheduling the Initial Case Management Conference under
14 Civil Local Rule 16-2(e) because it would be waste of judicial resources for this Court to conduct the
15 conference while Defendants' Motion and Plaintiff's alternative Cross-Motion remain pending;

16 WHEREFORE, the parties hereby stipulate and jointly request that the hearing presently
17 scheduled for March 6, 2009, at 9:00 a.m. on Defendants' Motion to Transfer Venue to the Western
18 District of Michigan (Doc. No. 11) to be continued to March 20, 2009, at 9:00 a.m., to be heard
19 together with Plaintiff's Cross-Motion; and

20 The parties further stipulate and jointly request that the Initial Case Management Conference,
21 presently scheduled for March 27, 2009, at 10:30 a.m. be continued until such date as the Court may
22 choose, after having ruled on the parties' Motions relating to the transfer of venue.

1 Dated: February 13, 2009

HOWREY LLP

2
3 /s/ Paul Alexander

Paul Alexander

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11 Attorneys for Plaintiff

12 DR. DAVID KANNAR

13 Dated: February 13, 2009

BRINKS HOFER GILSON & LIONE

14
15 /s/ Robert S. Mallin

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ACCESS BUSINESS GROUP LLC

1 **Filer's attestation:** Pursuant to General Order No. 45, § X(B), I attest under penalty of perjury
2 that concurrence in the filing of the document has been obtained from each of its signatories.

3 Dated: February 13, 2009

HOWREY LLP

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5 /s/ Paul Alexander

Paul Alexander

Attorneys for Plaintiff

DR. DAVID KANNAR

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11 PURSUANT TO STIPULATION, IT IS SO ORDERED., with the exception that, in light of the Court's
12 calendar, the hearing on both motions is continued to April 10, 2009. Further, the Case Management
Conference is continued to May 29, 2009.

13 Date: February 24, 2009

14 BY:


HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE